

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4011 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA and  
MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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RAMJIBHAI SOMABHAI

Versus

STATE OF GUJARAT

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Appearance:

Ms.V.P.Shah, senior counsel with  
MS KJ BRAHMBHATT for Petitioners  
Ms.Ami Yagnik, learned ASST.GOVERNMENT PLEADER  
for Respondent Nos. 1 to 4  
MR GN SHAH for Respondent No. 6

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CORAM : MR.JUSTICE M.R.CALLA and  
MISS JUSTICE R.M.DOSHIT

Date of decision: 16/09/98

ORAL JUDGEMENT

Mr. G.N. Shah appearing for the respondent No.6  
Indian Oil Corporation has submitted that they are no  
more interested in the land, which was acquired and in

respect of which the possession had also been taken. It is submitted by Mr. Shah that the Indian Oil Corporation is prepared to surrender this land back to the State Government on the condition that the amount of compensation, which had been deposited by the Indian Oil Corporation with the Government, is returned to the Indian Oil Corporation by the Government and he has also no objection if, thereafter, the land is restored back to the petitioners. The learned Asst.G.P. also submits that the amount of deposit, which had been deposited by the Indian Oil Corporation, shall be returned to the Indian Oil Corporation and the land shall be treated as if it was not acquired and whereas the land is no more required by the Indian Oil Corporation the same will be delivered back to the petitioners.

In the facts and circumstances of this case, on the request of all the sides, the acquisition proceedings are hereby quashed and it is ordered that the Government may return the amount of compensation deposited by Indian Oil Corporation to the Indian Oil Corporation within one month from today and, thereafter, the land in question shall be returned to the petitioners. This Special Civil Application is disposed of accordingly. Rule is made absolute in the terms as aforesaid. Interim order, if any, shall stand vacated. No order as to costs.